



**CITY OF SUNNYVALE
REPORT
Planning Commission**

May 8, 2006

SUBJECT: **2006-0153– Classic Communities** [Applicant] **Batton Associates, LLC** [Owner]: Application for related proposals on a 1.3-acre site located at **1049 Kiel Ct** (near Weddell Dr) in an M-S/ITR/R-3/PD (Industrial & Service/Industrial to Residential/Medium-Density Residential/Planned Development) Zoning District.

Motion **Special Development Permit** to allow construction of 30 condominium flats and 4 duet condominium units

Motion **Tentative Map** to create 34 condominium units.

REPORT IN BRIEF

Existing Site Conditions	One-story industrial buildings
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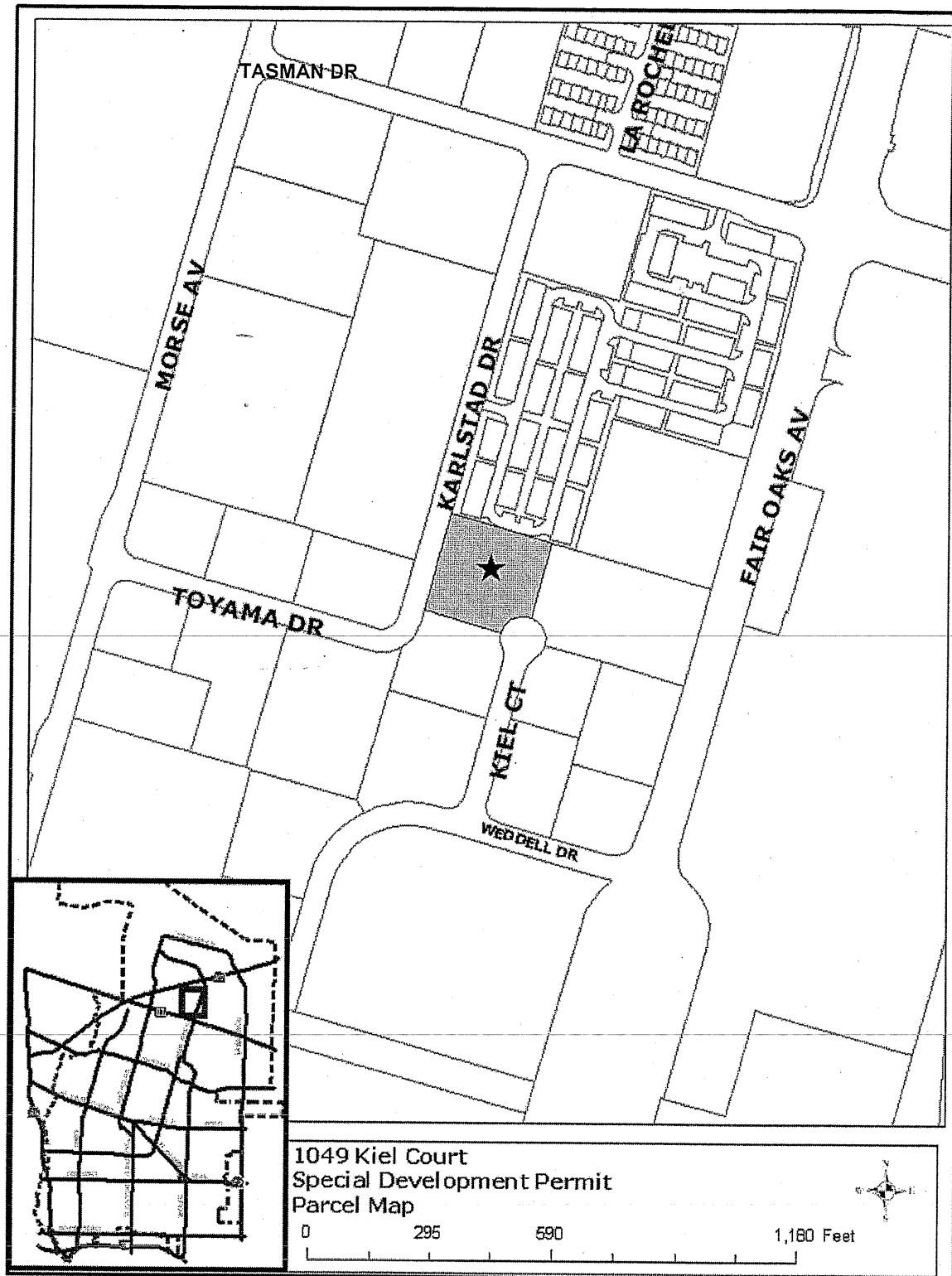
Surrounding Land Uses

North	Danbury Place Townhomes Phase I (168 units)
South	Future Toll Brothers City Park (130 units under construction)
East	Future Danbury Phase II (36 units under construction)
West	Across Karlstad Drive General Industrial Building

Issues	Parking, Massing, Materials
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Environmental Status	Category 32 Exemption for infill development
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Staff Recommendation	Approve with conditions to reduce the total units by two units to address parking deficiencies and to include additional architectural features.
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PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Industrial to Residential Medium to High Density	Same	---
Zoning District	M-S/ITR/R3/PD	Same	---
Lot Size (s.f.)	1.3 ac 55,628	Same	8,000 min.
Gross Floor Area (s.f.)	18,975	57,941	No max.
Lot Coverage (%)	34%	34.5%	40 % max.
Floor Area Ratio (FAR)	34%	104%	No max.
No. of Units	0	34	35 max.
Density (units/acre)	n/a	26.15	24 max. plus 15% bonus
Meets 75% min?	n/a	110%	75 % min.
Unit Size: (living area s.f.) <i>(each unit also has a separate 1 car garage of 200 sq ft)</i>	n/a	<i>Flats 2-bed - Plan 1x: 1,021 Plan 1: 1,017 Plan 2: 1,088 Duets 2-bed - Plan 3: 1,467 Plan 4: 1,519</i>	---
No. of Buildings On-Site	1	5	---
★ Distance Between Buildings (ft.)	n/a	12	26' min. for three story
★ Building Height (ft.)	n/a	36'5" from grade 39' from curb	30' max.
★ No. of Stories	1	3	2 max.
Setbacks (facing prop.)			
★ • Front (Karlstad)	30'	15' (min. and avg.)	15 min. Avg. 20
★ • Left Side (North)	46'	6'	6' min. first/ 12' third story
★ • Right Side (South)	80'	12'	9' min./15' third story
★ • Rear (East)	100'	16'	20' min.

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
Landscaping (sq. ft.)			
• Total Landscaping	5,000	16,153	14,450 min.
• Total Usable Open Space	n/a	13,690	13,600 min.
• Landscaping / Unit	n/a	538	425 min.
• Usable Open Space/Unit	n/a	402	400 min.
• Parking Lot Shading	15%	60%	50% within 15 years
★ • Frontage Width (ft.)	10	10	15 ft. min.
• Landscaper Buffer (ft.)	n/a	None	N/A
Parking			
★ • Total No. of Spaces	68	72	80 min.
• No. of Covered Spaces	n/a	34	34 min.
• No. of Standards	66	22	22 min.
★ • No. of Compacts / % of total unassigned	none	14 (36.8%)	35% unassigned max.
• No. of Accessible	2	2	2 min.
• Driveway Aisle Width (ft.)	26'	24'	24' min.
• Bicycle Parking	n/a	Storage within garage, additional racks in common area	3 Class II spaces (1/15 units)
• Lockable Storage	n/a	150 within garage, 150 in closet accessed via corridor	300 cubic feet

★ Starred items indicate deviations from Sunnyvale Municipal Code requirements.

ANALYSIS

Description of Proposed Project

The proposed project consists of 34 individual ownership-housing units with two building design configurations. The first configuration is known as "flats" and they are organized as 10 units in a 3-story building. Each unit is configured as a two-bedroom single-level home accessed via an internal corridor. Each flat unit also has an assigned single-car garage that permits resident access to the internal corridor from the garage. There are three 10-unit flat buildings proposed for the site. The second unit type is a two-unit duet that is also condominium units. The design has two units per building with each unit having living area on three levels. Each unit has a one-car garage that has direct internal access to the occupant's unit. There are two duet buildings for a total of four units in the project design. The project has incorporated a municipal code provision to provide for a density bonus to increase the allowable density from 24 units per acres to approximately 26 units per acres.

Each of the duet units has an independent front door while the flats buildings have visitor access provided by one of three secure exterior entrances to each main building. Vertical circulation for the flats is provided by one of three internal stairwells. The project design includes one assigned single-car garage per unit and additional surface parking for occupants and visitors. A deviation of eight spaces from the total surface parking spaces is requested. The project includes two primary open space components. The first is a linear landscaped open space in the center of the site and the second type of space is area separations primarily for walkways between the buildings and the perimeter of the site. The upper flats also include balconies; however, they do not meet open space design standards to count as open space.

Background

The site is part of Futures Area 7 of the 1993 Futures Study and is also part of the *Fair Oaks Tasman Area Pedestrian and Bicycle Circulation Plan* adopted in 2004. No other planning actions are relevant to the site.

Environmental Review

The site was deemed categorical exempt from CEQA requirements due to its status as an urban infill site with development of less than 100 units. Although mitigated negative declarations have been processed for a number of the sites in this area, the subject site was not within the roadway noise contours that affected the environment of other neighboring sites. Additionally, the project included in their project description sound transmission class rated windows equal to the mitigation requirement of abutting properties that are within the roadway noise contours. The site also

did not have soil contamination issues requiring additional analysis. Therefore no individual site development issues were peculiar to the project requiring additional environmental review.

Special Development Permit

Site Layout:

The site is proposed to be developed with a total of five buildings. The site is truly an infill site with residential development approved on all sides of the site creating a need to site design the project to complement the neighborhood. In response to staff comments, the applicant has prepared the following plan to address these needs: units that front onto Karlstad Drive continue the Danbury Place pattern; placement of units towards the south boundary public pedestrian walkway creates a more pedestrian friendly environment; placement of units away from the north property line and existing trash enclosures and parking on the Danbury Place site minimizes nuisances; and orientation of the east building towards the Danbury Place II development to complement its residential character with fronts of buildings opposing each other.

Entrances are provided to both of the public streets on which the site has frontage. Unassigned parking is centrally located on the site surrounding a landscaped open space that ranges in 22-28 feet in width. The trash enclosure for the site is also centrally located at the south end of the linear open space. Pedestrian access to each of the buildings is provided by a walkway. Access is provided by a combination of using the public pedestrian path and private walkways. The Karlstad frontage will have a private parallel walk to the sidewalk to provide ramped access to the building rather than direct stair access perpendicular to the sidewalk. This arrangement is in response to accessibility requirements of the building code. A clubhouse is not required as the project does not meet the minimum 50-unit threshold.

The layout of the design includes a number of deviations related to site layout:

- ▶ front yard setback of 15 feet where a minimum of 15 and average of 20 is required,
- ▶ side yard setback deviation for the total setback for 3-story buildings,
- ▶ rear yard setback of 16 feet where 20 is required,
- ▶ distance between buildings of 12 feet where 26 feet is required.

In addition, due to the type of parking provided in the design, a deviation to the total number of surface parking spaces is requested. The project requires 46 surface spaces where 38 are provided. (Detailed discussion provided in the *Parking Section*.) The parking configuration also exceeds the compact space allowance of 35% by one compact space.

Staff supports the proposed front yard deviations because the guidelines from the *Fair Oaks Tasman Area Pedestrian and Bicycle Circulation Plan* support

urban design techniques of placing buildings near the street. The setback deviations are also necessary for the proposed project to meet usable open space minimum dimensions and area requirements for the proposal. A different product design or lower density would be required to meet the setback requirements if the deviations are not approved.

Stormwater Management: The project includes a post-construction stormwater management plan. Due to soil composition the primary treatment mechanisms are in-ground mechanical devices and minor amounts of landscape infiltration.

The following Guidelines were considered in analysis of the project site design.

Design Policy or Guideline (Site Layout)	Comments
<u>Citywide Design Guidelines</u> <i>Site Design B1. Locate site components such as structures, parking, driveways, walkways, landscaping and open spaces to maximize visual appeal and functional efficiency.</i>	The design maximizes the density of the site while providing a street presence. The open space is very linear in its nature providing minimal functional use. Parking and services are centrally located. The project is interconnected with private walks and connects to the public pedestrian path.
<u>Fair Oaks/Tasman Plan Guidelines</u> <i>BD2 Try to maintain a well-defined street edge. BD 4 Provide direct entrances to street-level residential units to support an intimate streetscape.</i>	Walk up entries are provided along Karlstad Drive and to the public pedestrian path.
<u>Fair Oaks/Tasman Plan Guidelines</u> <i>SL 1 Private streets and driveways within development shall be designed for pedestrian use with sidewalks on a least one side.</i>	Multiple points of pedestrian access are included to both public street frontages as well as to the public Pedestrian Path.

Architecture:

In an effort to diversify the housing type and style within this rapidly redeveloping neighborhood, staff has encouraged the applicant to propose an alternative concept to differentiate the development. The applicant has discussed a number of concepts with staff before arriving at the current design. The current design is an adapted postmodern concept using material changes to create simple building lines that relies on the roof forms to accentuate massing of the building and create interest. Due to the floor plan layout of the flats, a true postmodern asymmetrical configuration of wall planes and massing is not proposed by the applicant. Despite the proposed adapted postmodern architectural style, the city's design guidelines are still applicable to the design and relevant to the review of the building form and treatments allowing for Sunnyvale's traditional building values and character to be incorporated into the overall design.

The simple lines and angled shed roofs distinguish this design from traditional residential development types; however, in an effort to appear more residential than commercial and for reasons of construction issues the applicant has included a low pitch hipped roof to cap the flats buildings rather than a completely flat roof type. The design then features three façade materials juxtaposed to provide a base to the building and provide differentiation of the building elements. The stucco is use primarily at the ground level and includes deep scoring to provide some visual break to the wall. The upper levels include two types of horizontal cement fiber siding. Two different gauges of siding are proposed with a wider gauge on the ends of the structures and a narrow gauge for the center building features.

The additional element that identifies the design as contemporary is the use of aluminum windows with a variety of asymmetrical mullion patterns that do not have trim surrounding the windows. The aluminum-framed windows are intended to accentuate the building's simple lines and sleeker approach to design as compared to the traditional residential architecture's use of tacked-on exterior adornments to provide accent features.

To address the design issue of physical relief and height, the project design primarily relies upon the proposed balconies to provide depth to the design and the roof type with its shed roof projections to vary the height and address massing. The actual horizontal relief of the buildings front façade popouts is 12 inches, excluding the 4.5-foot balcony projections. The low pitch of the main hipped roof of the duet structures provides a backdrop to accentuate the shed roof projections of the structure.

Staff is very supportive of the design concept for contemporary style building; however, staff has concerns about the success of the some of the features proposed with the building design. Since the Planning Commission Study Session the applicant has revised the design to address a number of staff's concerns that the design for the flats building was not successfully achieving its intended postmodern style. Staff reviewed the earlier design with our consulting architect, Larry Cannon, AIA, to identify opportunities for improvements to the design. The primary issues included:

- integration of massing and wall plane changes for relief;
- undistinguished asymmetrical building masses;
- minimal façade detailing combined with uninteresting materials;
- lack of interest in window types;
- lack of building character other than projecting shed roof on popouts with uncomfortable visual proportions;
- need to horizontally tie the building design together.

As a product of those discussions the plan was revised to its current design. A number of the revised features of the plan address the above concerns to some degree. The changes to the plan include a lowering of the main roof height, the

pattern of siding and stucco, altering the shed roof projection type and orientation, and including a variety of windows.

Staff has focused comments on the apparent lack of relief in the current design of the flats. The popout as proposed is 12 inches. Staff believes that the depth of the popouts should be increased and the balcony design be played up as the feature that provides the greatest degree of interest and relief. Staff recommends requiring an additional 12 inches of building popout for 50% of the façade, this would likely impact the setback deviations for the design by 12 inches as well. Staff is also very interested in two design features for the balcony treatments. Staff has included a condition to include a balcony design that wraps around the popout (towards the building sides) for a minimum balcony width of 4 feet and additionally to review placing a projecting overhang above the sliding door for the upper level units to provide more depth to that part of the building façade. These three changes are incorporated as conditions of approval for the project in COA 5B.

Other persistent concerns with the design include the final window size and placement selection, balcony deck material and railing design as an accent to the architectural style, and refinement of the entry articulation to the building. Conditions of approval addressing these issues are included in the report. Staff and the applicant are continuing discussion of color as well for the buildings. Earth tones of muted browns for the siding and a lighter khaki type color for the stucco finish is the likely main façade colors. Staff is interested in potentially applying a bolder color to the center of entry of the buildings, but no longer believes the architectural design lends itself necessarily to the use of bright and bolder shades of blues, purples, or greens as an example, to the main façade features.

The side elevations are very important in this project as they are readily visible from the street and in fact act as the front façades from the Kiel Court entrance. The side façades need to include elements of relief to divide up the expansive façade into smaller components and not just rely upon the use of windows. Extending the height of the ground level siding treatment to the second floor and potentially stepping this treatment "up" the façade to balance out the façade may satisfy this need. An addition of metal overhang or ledge would potentially also provide some relief and depth to a portion of the façade and provide a tie in to the front façade.

For the duet structures the interplay of angled rooflines and changes in the façade plan are successful on the front and rear façades. The applicant has also revised the side elevations of the duets in response to study session input. The applicant has attempted to more clearly define the entrances as well as modified the size and placement of windows. Staff supports the proposed changes and does not recommend further modifications as conditions of approval.

At study session the Planning Commission was also concerned about the side elevation of the building facing the street. Staff has determined the footprint of the duet along Karlstad allows for the building to be shifted to be perpendicular to the street with the front facing Karlstad rather than a side facade. However, this adjustment displaces the six compact spaces at the Karlstad driveway which could not be completely made up in the previous location of the duet. Reduction in available parking exacerbates the current parking deviation by an additional one or two spaces. If the duet was moved, Staff would also recommend sliding the south facing flats nearer Karlstad to expand the usable open area near the Kiel Court entrance. Despite the potential beneficially increase in street presence on Karlstad by moving the duet, Staff has not included this modification as a condition due to the likelihood of exacerbating the parking deviation.

The main buildings themselves are just over 110 feet in length, similar to the linear width of five attached townhome units. The depth of the building is approximately 60 feet in width. The buildings are three-story buildings that are approximately 39 feet in height where two stories and 30 feet are permitted. The duets are slightly lower than the main buildings and have a width of approximately 20 feet and a depth of 55 feet.

Deviations related to architecture include an overall height of 39 feet and three stories where 30 feet and two stories is permitted. Staff supports the deviation due to the compatibility of height to surrounding projects and support for the variety of housing type and use of bonus densities.

The following Guidelines were considered in the analysis of the project architecture.

"Name of Guidelines"	Comments
<u>Citywide Design Guidelines</u> <i>Bldg. Design B1. Break up large buildings into groups of smaller segments whenever possible to appear smaller in mass and bulk.</i>	The contemporary design utilizes a small degree of physical relief with popouts to break the building up and more heavily relies upon changes of building materials and roof projections to divide the building up. Staff has concerns that appropriate degrees of relief are provided by the design and has included conditions relating to this issue.
<i>Bldg. Design C1.2.2 Encourage development of diversified building forms and intensities.</i>	The flats and duets are a different product type than the majority of units in this neighborhood and provide a entry point to the real estate market. The architectural style is a departure from traditional Sunnyvale residential styles and provides a great degree of interest to this area as a contemporary design.

"Name of Guidelines"	Comments
<i>Bldg. Design C3. Develop a comprehensive architectural theme for multi-building complexes. Unify various site components through use of similar design, material and color.</i>	Both the flats and duet structures take on complimentary forms and usage of materials and colors. The variation between buildings will be through colors rather than architectural styles.
<i>Materials and Colors F4. Choose high quality materials and paint to prevent degradation and for ease of maintenance.</i>	The design includes fiber cement siding and stucco finish. The colors are proposed as somewhat dark and muted tones of dark greens, grey and brown.

Landscaping:

Tree Preservation: The subject site has a total of 28 trees around the site with 12 trees considered protected. Protected trees are those that measure 38 inches or greater in circumference when measured at four and a half feet from the ground. The trees are primarily located in the center of the lot around the existing building and along the east property line. The trees located in the center of the site do not lend themselves to be retained due to being in the path of the proposed new improvements. Due to the need for fill on the subject site as well as the Danbury Place II site to the east, the trees along the east property are also unlikely to be retained. The group of young (15-gallon size) pine trees known as #17 in the arborist report along the north property line are to be retained as part of the landscape screening between the developments. Additionally, there are a number of recently planted trees along the north property line that are young and healthy and should be retained or replanted on site despite the fact that they are not part of the protected tree definition.

Staff has included a conditions to require retention of the north boundary trees and replanting when appropriate and to review the development and grading proposal for the east property line to determine the feasibility of retaining good quality specimen trees between the two developments. In all likelihood the 12 protected trees will be removed from the site and only the young trees along the north boundary will be retained.

Open Space: The majority of the proposed usable open space in the development is provided in linear areas with a large linear space in the center of the site. The other open space is primarily provided in areas where private walks are provided to serve the units. The center open area provides a 22-foot wide by 105-foot long space that is lined with canopy trees on the edges for parking lot shading. The space widens to 28 feet for an additional 30 foot segment at the north end of the area. The applicant has shown a hardscaped seating area for a portion of this center area and the remainder is designed as open turf area in the conceptual landscape plan. Although the space is left open, staff is skeptical about its usefulness due to the tree and parking encroachments on the narrow space. Staff recommends that the hardscaped area concept be expanded upon to include a spa and to be designed as a large

outdoor patio space for gatherings to increase its potential utility. In addition staff recommends providing a defined activity; bocce ball court, lap pool, horseshoe pits or other type of activity area could also be included in the remaining open area to ensure its usefulness rather than as passive open space. A condition requiring these modifications to the central open space is included in the report under COA9.

A number of the units include balcony spaces that are intended to provide private usable space. However, the depth of the balconies is designed at 4.5 feet where the city standard is 7 feet for a balcony to be defined as usable open space. Although desirable area for the residents, the balcony space does not technically count towards usable open space requirements. Although the project at this time meets the minimum standard for overall usable open space, Staff recommends that the balconies be increased in depth to 7 feet for enhanced utility as an enhancement to the quality of life for the future residents and because of the narrow non-private nature of the majority of the at grade usable open space included in the design. Staff has included the balcony size modification as a condition of approval.

The following Guidelines were considered in analysis of the project landscaping.

"Name of Guidelines"	Comments
<u>Citywide Design Guidelines</u> <i>Landscaping A4 Properly landscape all areas not covered by structures, driveways and parking.</i>	The project exceeds minimum landscape standards and primarily uses linear strips of landscaping as separations from walkways and paths. Tree shading of parking spaces is accounted for by the central landscape space.
<i>A2 Preserve and incorporate existing natural features, particularly trees, on a site into the landscape design of projects.</i>	The existing trees are mostly internally located and in the path of development. Young healthy trees along the north boundary may be able to be retained or replanted on site.
<i>Open Space C8 Provide direct access to common usable open space from all buildings. Common open spaces shall be usable for recreational purposes. Landscaping strips of less than 50 feet in width between buildings do not constitute usable common open space</i>	Common area is directly accessible from all units. The utility of the spaces as presented is minimal as linear areas for walkways. Staff recommends the central area be designed as an outdoor living area with a defined recreational activity amenity.
<i>Site Design B1. Locate site components such as structures, parking, driveways, walkways, landscaping and open spaces to maximize visual appeal and functional efficiency.</i>	Multiple walkways connect the site to the perimeter and provide good internal circulation. The usable space is generally quite linear and has a limited range of activities for active usage. Parking is centrally located to serve all units. Staff has a condition to increase balcony size to ensure their usability.

Parking/Circulation:

The project design includes fully enclosed one-car garage spaces assigned to each unit and unassigned surface spaces to serve guests and overflow occupant parking. The parking requirement for a site that has fully enclosed one-car garages is an additional 1.33 spaces for occupants and guests requiring a total of 46 parking spaces for the proposed 34 two-bedroom units. The current proposal has a ratio of 1.12 additional parking spaces for a total of 38 parking spaces, a deviation of 8 parking spaces. This is a requested deviation of 10% for overall parking requirements or a 16% reduction in guest parking for the project.

An alternative parking ratio calculation includes revising the type of parking provided for the project. The municipal code requires only 1 additional unassigned parking space per unit if the assigned space is designed as a carport space. If the applicant revised the design of some of the garages to carports (removing the doors) the proposed parking arrangement would no longer be a deviation. In this case with 38 unassigned spaces for 34 units the applicant could have a mix of 12 units with garages and 22 units with carports. If more units were changed to carports additional parking spaces could be removed from the design to increase open space areas.

The rationale for the different parking standard for carports and garages comes from a study that staff performed on built projects at the time the parking standards were adopted in the 1990s. During the study it was shown that more guest spaces were needed for garage-designed projects due to the likelihood that people may use their garages for other purposes than parking of vehicles. With the visibility of carports it is not likely that those spaces could be used for something other than parking.

The third option for addressing the parking deviation is to reduce the total number of units to reduce the demand down to the supply. This would require the elimination of six units. Due to the building type, removing six units would likely result in a completely redesigned project and product type. However, if the four duet units were removed from the site design and 30 flats remain with their fully enclosed garages there would be only a two space parking deviation rather than the current eight-space deviation. An alternative combination for removing units would be to remove two units and replace that area with parking spaces to supplement the overall parking supply. This combination would likely result in either no deviation or one to two space deviation depending on the final configurations.

With the above options staff believes there are three reasonable alternatives to choose from.

1. Reduce the total number of units and replace with parking to balance the site,
2. Modify the garages to carports for 2/3 of the units,
3. Approve the deviation as proposed.

Staff recommends Alternative 1 as the preferred solution. This option reduces the total unit count by two units and replaces those units with parking while allowing for the use of private garages for all of the remaining units. With this option the potential for a 1 to 2 parking space deviation remains. Potentially staff would support Alternative 2, modifying the design to include carports, to maintain the proposed density for the site. Usage of carports in the design may also potentially increase the affordability of the units.

The third option of the deviation to parking might be considered appropriate based on the site's proximity of the light rail and transit opportunities on Fair Oaks Avenue and Tasman Drive. The light rail is roughly 1/3 of a mile walk from the site. However, staff does not support the deviation of eight parking spaces due to the city's experience with the need for adequate parking on site. Kiel Court has minimal on-street parking shared with a number of other developments and Karlstad Drive spaces will be shared by the many units on that street now and in the future. Even if the subject site committed to reserving 35% of the surface spaces to guests only, the overflow of occupants' vehicles would tend to fill up on-street parking due to the likelihood of a high number of two car households.

Circulation

The project is accessible from both Karlstad Drive and Kiel Court for vehicles and pedestrians. This presents a potential "cut through" for non-resident vehicle traffic and is a slight concern to staff. Due to the variety of route choices in the area staff does not believe this will be a severe problem. Staff does not recommend the use of gates to address the issue, but will review traffic calming speed humps and signage options with the applicant to address this situation. A similar situation but less direct situation exists for the Toll Brothers site to the south, which has a connection from Karlstad to Weddell.

The Karlstad frontage includes a parallel walk to ramp up to the building. Staff is also including a recommended condition that stairs be provide for direct access to Karlstad as well.

The following Guidelines were considered in analysis of the project parking and circulation.

"Name of Guidelines"	Comments
<u>Fair Oaks/Tasman Plan Guidelines</u> <i>SL 3 Discourage the creation of isolated/walled complexes</i>	The buildings are oriented to the street and pedestrian path and parking is situated internally. Multiple points of pedestrian access are provided to the stie.
<u>Citywide Design Guidelines</u> Site Design B1. Locate site components such as structures, parking, driveways, walkways, landscaping and open spaces to maximize visual appeal and functional efficiency.	Both vehicular and pedestrian access to the site is adequate for the site. The parking is conveniently located on the site. However, a significant 8 space parking deviation to the total number of guest spaces is proposed.

Compliance with Development Standards/Guidelines: The applicant has requested deviations to the side yard setbacks, front yard setbacks, frontage strip width, height, number of stories, potentially to usable open space, and parking. Staff supports the deviations as necessary for the development of the project with the exception of potential of an open space deviation and to parking.

Staff supports the proposed front yard deviations due to guidelines from the *Fair Oaks Tasman Area Pedestrian and Bicycle Circulation Plan* supporting urban design techniques and pedestrian friendly design features. The side yard setback deviation creates a more efficient square building envelope and maximizes usable open space proposed in the design. The proposed setbacks do not impact adjoining future development due to separation provided by adjoining sites' improvements (e.g. setbacks, parking spaces, streets, etc). Staff has a condition to verify and provide an usable open space plan that attains the minimum 400 square feet per unit average. The major deviation that staff does not supported is the parking deviation. As outlined in the *Parking Section* there are alternative configurations of garages and carports and an alternative to reduce the number of units to eliminate or reduce the severity of the proposed eight guest parking space deviation.

Fair Oaks Tasman Area Pedestrian and Bicycle Circulation Plan: The applicant is in compliance with the Tasman Fair Oaks Pedestrian and Bicycle Guidelines for development pattern and improvements. The site is identified as required to contribute to "sense of place" improvements, and the pedestrian bicycle path. The Transportation Division of Public Works is in the process of working through design enhancements for the neighborhood with a consultant. This work is likely to be done by early summer. The design work will include defining the physical "sense of place" improvement requirements for the neighborhood. Final cost estimates have not been established at this time and staff has previously collected \$1,000 per unit as an appropriate contribution toward these future enhancements. Staff has included a condition requiring the applicant to implement the sense of place improvements associated with the subject site's proximity of said improvements. If the design work has been completed prior to submittal for building permits the applicant may be required to implement the approved design. However, if the city has not established a preferred design or wishes to undertake the implementation of sense of place improvements as a City activity, a cash in lieu payment not to exceed \$1,000 per unit will be collected prior to the issuance of building permits.

TDM for Residential Development: The applicant is also required to provide transit info kiosks on the site due to proximity to the light rail station. Staff is recommending, at a minimum, placement of one kiosk near the mailboxes.

Expected Impact on the Surroundings: The area surrounding this site is designated as ITR (Industrial to Residential) and currently the abutting properties have been entitled with residential development that is under

construction or completed. The exception is for the properties across Karlstad which remain industrial uses. As an area transitioning to residential the current interim development pattern is disjointed throughout the area due to parcelization and individual property owner's discretion on pursuing residential development or maintaining an industrial use. This pattern creates potential conflicts for ongoing industrial uses with new residents. However, staff has required a deed declaration within the CC&Rs disclosing industrial uses are in the general vicinity of the site as has been typical for all projects in this area.

The impacts to the project residents are the potential for vehicle traffic or truck traffic, potential noise, and other impacts from business operations as compared to a homogenous residential neighborhood. Through the Initial Study for CEQA review of this project and the Futures EIR of the early 1990s, no hazardous material problems were identified on the subject site or in relation to the adjacent industrial operations. This transition is consistent with the intent of the Futures study and specifically the existing ITR zoning.

An additional impact on the surrounding neighborhood relates to availability of recreational facilities. A site to the southwest of the subject sites is owned by the City and planned to be a future 5-acre park. However, the park is currently listed as an unfunded capital project and does not have a targeted improvement date. Including the proposed project, existing residents, and the projects under construction in the area, the need for the park is increasing and City shall monitor the situation for appropriate action in the future to provide needed park services for the neighborhood planning area. At this time the neighborhood residents have access to the John W. Christian Greenway and Orchard Gardens Park to the southwest, with connecting access to Lakewood Park to the east of the area. The proposed project is subject to park in-lieu fees to support the development or acquisition of additional park facilities.

Tentative Map

Description of Tentative Map: The applicant's lotting pattern consists of only one lot with the creation of condominium units to allow for ownership opportunities. The project is required to provide for the bicycle and pedestrian path improvements and street frontage improvements, including sidewalks, luminaries and street trees in conformance with the *Tasman and Fair Oaks Area Pedestrian and Bicycle Plan*.

Fiscal Impact

The project will contribute park in-lieu fees to the City in the amount of \$7,350.75 per unit for an estimated total of \$249,925.50 for a 34 unit project. This fee will be collected prior to the time of final map approval. The project will have a slight net increase in traffic per the Transportation Strategic Program and will have an estimated fee of \$12,578.92 for 34 units. Payment of traffic fees is due prior to issuance of building permits for construction of

individual units and is charged at the rate in place at the time payment is offered.

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

Planning Commission Study Session: A study session was held on March 27, 2006 to become acquainted with the application. The general comments supported the architectural concept with concern specifically about the side elevations of the duet units. Other issues included explanation of the parking deviation and access to the site, as well as the usable open space configuration and building placement. The location of doors to the corridor to provide for the lockable storage concerned some commissioners.

Notice of Negative Declaration and Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• 140 notices mailed to the property owners and residents within 300 ft. of the project site	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website• Recorded for SunDial

Conclusion

Staff is supportive of the product types because it diversifies Sunnyvale's housing stock. Additionally, staff is also supportive of the architectural concept. Staff is unable to support the proposed parking deviation and has outlined alternatives for reducing or eliminating the deviation. Staff formally recommends the reduction of 2 units and replacing that area with additional parking. This reduces the deviation and provides for additional usable open spaces and creates a wider, less linear usable area near Kiel Court. (see COA 5A) As part of the review of the revised project as part of the final conditions of approval by the Director of Community development, major changes may be shown to the Planning Commission as information items.

Findings and General Plan Goals: Staff was able to make the required Findings based on the justifications for the Permit. Findings and General Plan Goals are located in Attachment A.

Conditions of Approval: Conditions of Approval are located in Attachment B.

Alternatives

1. Approve the Special Development Permit and Tentative Map with attached conditions requiring the reduction of 2 housing units and additional parking.
2. Approve the Special Development Permit and Tentative Map with modified conditions.
3. Deny the Special Development Permit and Tentative Map.
4. Do not approve the Special Development Permit and Tentative Map and direct staff as to where additional environmental analysis is required.

Recommendation

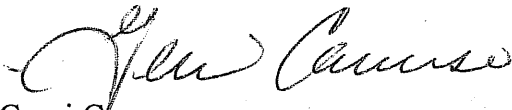
Recommend Alternative 1

Prepared by:



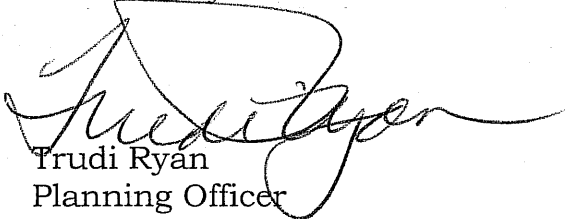
Kelly Diekmann
Project Planner

Reviewed by:



Gerri Caruso
Principal Planner

Reviewed by:



Trudi Ryan
Planning Officer

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Architectural Plans
- D. Colored Perspective Drawing

Recommended Findings - Special Development Permit

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale.

Land Use and Transportation Element

Action Statement N1.4.2 Site higher density residential development in areas to provide transitions between dissimilar neighborhoods and where impacts on adjacent land uses and transportation system are minimal.

Action Statement R.1.7.2 Support regional efforts which promote higher densities near major transit and travel facilities, without increasing the overall density of land usage.

Policy C2.2 Encourage the development of ownership housing to maintain a majority of housing in the City for ownership choice.

Housing and Community Revitalization Sub-Element

Policy C.1 Continue efforts to balance the need for additional housing with other community values, such as preserving the character of established neighborhoods, high quality design, and promoting a sense of identity in each neighborhood.

Goal D Maintain diversity in tenure, type, size and location of housing to permit a range of individual choices for all current residents and those expected to become city residents.

Finding Met: The proposed project provides 34 additional housing units including 4 BMR units and eases the City's jobs/housing imbalance with the additional housing and replacement of employment producing land uses. The design of "flats" provides for entry-level housing and diversity of housing stock while providing compatible transition of use with development in the area and a high quality living environment for its future residents. The project site is part of the Futures 7 Industrial to Residential conversion area which intends for the proposed type of residential use.

2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties.

Finding Met: The proposed project will complement planned residential development to the west and north and provide an adequate buffer with the restaurant to the south. A condition of approval addresses a deed declaration to provide awareness of the areas transition from industrial to residential. The design of the project addresses compatibility of the abutting uses during the interim prior to their redevelopment to housing.

Recommended Findings - Tentative Map

In order to approve the Tentative Map, the proposed subdivision must be consistent with the general plan. **Staff finds that the Tentative Map is in conformance with the General Plan.** However, if any of the following findings can be made, the Tentative Map shall be denied. Staff was not able to make any of the following findings and recommends approval of the Tentative Map.

1. That the subdivision is not consistent with the General Plan.
2. That the design or improvement of the proposed subdivision is not consistent with the General Plan.
3. That the site is not physically suitable for the proposed type of development.
4. That the site is not physically suitable for the proposed density of development.
5. That the design of the subdivision or proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.
8. That the map fails to meet or perform one or more requirements or conditions imposed by the "Subdivision Map Act" or by the Municipal Code

Recommended Conditions of Approval - Special Development Permit

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. GENERAL CONDITIONS

- A. Execute a Special Development Permit document prior to issuance of the building permit.
- B. The Special Development Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is approved prior to the expiration date.
- C. The Conditions of Approval shall be reproduced on the cover of the plans submitted for building permits. Building Permit plans shall be accompanied by an annotated set of conditions of approval indicating how the project complies with each condition.
- D. This Special Development Permit is valid only in accordance with the approved plans. Any major use, site or architectural modifications shall be treated as an amendment to the original approval, and shall be subject to approval at a public hearing before the Planning Commission. Minor modifications shall be approved by the Director of Community Development.
- E. Specific deviations allowed with this Special Development Permit are as follows, no other deviations are expressly permitted:
 - a. Maximum height of 3 stories and 39 feet as measured from top of curb.
 - b. Minimum Front Yard Setback of 15 feet, decrease to 14 for architectural popouts
 - c. Side Yards setback of 6 feet (see table)
 - d. Distance between buildings of 12 feet
 - e. Rear yard setback of 16 feet
 - f. Frontage strip width of 10 feet
 - g. Compact spaces exceeding 35% (1 space)
 - h. With Staff recommended 32 unit design maximum of 2 parking spaces deviation

- F. An Impervious Surface Calculation worksheet is required to be completed and submitted to the California Regional Water Quality Control Board prior to issuance of a Building Permit.
- G. A third party certified stormwater plan shall be submitted at the time of submittal for building permits. The plan is subject to approval by the Director of Community Development. The building permit improvement, landscape, and grading plans shall include a statement of no conflict from the certified stormwater engineer in accordance with an approved stormwater management plan.

2. ENVIRONMENTAL MITIGATION MEASURES

- A. Comply with project description plans for mechanical ventilation and a minimum double paned window rating of STC 28. Provide installation details at the time of building permit submittal.

3. BMR (BELOW MARKET RATE UNITS)

- A. Comply with Below Market Rate Housing (BMR) requirements as noted in SMC 19.66.
- B. The project will provide 12.5% (4) Below Market Rate ownership dwelling units in compliance with SMC 19.66.
- C. The developer shall submit a site plan to the Housing Officer for review. The plan will include a description of the number, type, size and location of each unit on the site. The Housing Officer will then determine the specific units to be obligated as Below Market Rate (BMR) unit(s). (BMR Administrative Guidelines)
- D. Prior to issuance of a building permit, the developer shall execute a Development Agreement with the City to establish the units. The sale price of the BMR units is established at the time of the execution of the Development Agreement. (BMR Administrative Guidelines)
- E. All BMR dwelling units shall be constructed concurrently with non-BMR units, and shall be dispersed throughout the property and shall reflect the range in numbers of bedrooms provided in the total project and shall not be distinguished by exterior design, construction or materials. (SMC 19.66.020(c))
- F. Sixty days (60) days prior to the estimated occupancy date, the developer shall notify the Housing Division of the BMR units to be available. (BMR Administrative Guidelines)
- G. BMR Ownership Program - Developer and Buyer to execute "Addendum to Purchase Offer" prior to Occupancy Permit and provide copy to City. (BMR Administrative Guidelines)

- H. Ownership Units - Prior to Close of Escrow, a Deed of Trust between the City and the Buyer of the BMR unit shall be recorded to establish resale and occupancy restrictions for a 30-year period.
- I. The original sale price of BMR dwelling units shall comply with sales prices established by the City, which is revised annually. (SMC 19.66.040 (c))
- J. Below Market Rate dwelling units shall be offered for sale only to persons qualified under the terms described in SMC 19.66.040 and 19.66.050 and described more fully in the Administrative Guidelines. (BMR Rental Units / BMR Ownership Program)
- K. Resale of BMR dwelling units shall comply with procedures set forth in SMC 19.66.060.
- L. In the event of any material breach of the Below Market Rate Program requirements and conditions, the City may institute appropriate legal actions or proceedings necessary to ensure compliance. (SMC 19.66.140)
- M. In the event that any of the Below Market Rate dwelling units or a portion thereof is destroyed by fire or other cause, all insurance proceeds therefrom shall be used to rebuild such units. Grantee hereby covenants to cause the City of Sunnyvale to be named additional insured party to all fire and casualty insurance policies pertaining to said assisted units. (BMR Administrative Guidelines)

4. CC&R's (CONDITIONS, COVENANTS AND RESTRICTIONS)

- A. Any proposed deeds, covenants, restrictions and by-laws relating to the subdivision are subject to review and approval by the Director of Community Development and the City Attorney.
- B. Prior to approval of the final map the applicant shall prepare a deed declaration disclosing potential impacts from the adjoining industrial uses. The statement shall identify the uses are permitted to operate in perpetuity and associated impacts may include noise, truck traffic, night lighting, etc. The deed restriction language shall be submitted to the Director of Community Development and City Attorney for review and approval.
- C. The developer/Owner shall create a Homeowner's Association that comports with the state law requirements for Common Interest Developments. Covenants, conditions and restrictions (CC&Rs) relating to the development are subject to approval by the City Attorney and Director of Community Development prior to approval of the Final Map. In addition to requirements as may be specified elsewhere, the CC&R's shall include the following provisions:

- D. Membership in and support of an association controlling and maintaining all common facilities shall be mandatory for all property owners within the development.
- E. The homeowners association shall obtain approval from the Director of Community Development prior to any modification of the CC&R's pertaining to or specifying the City.
- F. The developer shall maintain all utilities and landscaping for a period of three years following installation of such improvements or until the improvements are transferred to a homeowners association, following sale of at least 75% of the units in each individual phase, whichever comes first.
- G. The Conditions of Approval of this permit 2006-0153 shall be included in the CC&Rs.
- H. The CC&Rs shall contain the following language:
 - 1. "Right to Remedy Failure to Maintain Common Area. In the event that there is a failure to maintain the Common Area so that owners, lessees, and their guests suffer, or will suffer, substantial diminution in the enjoyment, use, or property value of their Project, thereby impairing the health, safety and welfare of the residents in the Project, the City, by and through its duly authorized officers and employees, will have the right to enter upon the subject Property, and to commence and complete such work as is necessary to maintain said Common Area. The City will enter and repair only if, after giving the Association and Owners written notice of the failure to maintain the Common Area, they do not commence correction of such conditions in no more than thirty (30) days from the giving of the notice and proceed diligently to completion. All expenses incurred by the City shall be paid within thirty (30) days of written demand. Upon a failure to pay within said thirty (30) days, the City will have the right to impose a lien for the proportionate share of such costs against each Lot in the Project.
 - 2. It is understood that by the provisions hereof, the City is not required to take any affirmative action, and any action undertaken by the City will be that which, in its sole discretion, it deems reasonable to protect the public health, safety and general welfare, and to enforce it and the regulations and ordinances and other laws.
 - 3. It is understood that action or inaction by the City, under the provisions hereof, will not constitute a waiver or relinquishment of any of its rights to seek redress for the violation of any of the provisions of these restrictions or any of the rules, regulations and ordinances of the City, or of other laws by way of a suit in law or equity in a court of competent jurisdiction or by other action.

4. It is further understood that the remedies available to the City by the provision of this section or by reason of any other provisions of law will be cumulative and not exclusive of the maintenance of any other remedy. In this connection, it is understood and agreed that the failure to maintain the Common Area will be deemed to be a public nuisance and the City will have the right to abate said condition, assess the costs thereof, and cause the collection of said assessments to be made on the tax roll in the manner provided by appropriate provisions of the Sunnyvale Municipal Code or any other applicable law.
5. No Waiver. No failure of the City of Sunnyvale to enforce any of the covenants or restrictions contained herein will in any event render them ineffective.
6. Third-Party Beneficiary. The rights of the City of Sunnyvale pursuant to this Article will be the rights of an intended third party beneficiary of a contract, as provided in Section 1559 of the California Civil Code, except that there will be no right of Declarant, the Association, or any Owner(s) to rescind the contract involved so as to defeat such rights of the City of Sunnyvale.
7. Hold Harmless. Declarant, Owners, and each successor in interest of Declarant and said Owners, hereby agree to save, defend and hold the City of Sunnyvale harmless from any and all liability for inverse condemnation which may result from, or be based upon, City's approval of the Development of the subject Property."
8. Homeowners are prohibited from modifying drainage facilities and/or flow patterns without first obtaining permission from the City.
9. Homeowners are prohibited from installing window based air conditioning systems that protrude beyond the building wall plane.
- I. There shall be provisions for post construction Best Management Practices in the CC&R's in regards to the final stormwater management plan and ongoing maintenance and reporting requirements.
- J. The Homeowners Association shall be required to maintain and keep up to date transit information and rideshare information for display in an on site kiosk. The display shall include current VTA transit map, Caltrain station map, contact info websites and phone # for Caltrain, VTA, www.511.org, etc.

5. DESIGN/EXTERIOR COLORS AND MATERIALS

- A. Remove the Karlstad Duet building for a total of 32 units on the site.
 1. Replace area of removed duet with appropriate parking stalls.
 2. Revise building placement to maximize usable open space area near Kiel Court.

- B. The plans shall be revised to be consistent with the Design Guidelines and development standards to provide the following:
1. Increase relief of the flats building front popouts to 24 inches.
 2. Increase balcony depth to a minimum of 7 feet for both the front and the rear façades of the flats.
 3. Wrap balcony around the corner of the popouts on the front façade for a minimum of four feet of width.
 4. Provide an overhang above the sliding doors on the third level that wraps the popout corner.
 5. Continue to develop the window interest for the buildings in terms of size, number, and placement on the façades of both the flats and duets for review and approval by the Director of Community Development.
 6. Review floor planning opportunities to move the bathroom to the side of the master bedroom away from the front façade to allow for more window placement opportunities.
 7. Provide window interest in the garage door design of the flats.
 8. Include architectural tie in of an eyebrow or overhang at the corner of the building to compliment the ground level.
 9. Side elevation color and material pattern shall attempt to provide for balanced asymmetry that does not appear hodgepodge in application.
 10. Continue to develop a front entry identity for the flats buildings that is the focus of the center of the building and is not diluted in its presence by the living room doors of the units themselves.
- C. Provide detailed balcony design and materials plan for review. The preferred material is a metal deck and a railing design that is a unique design that is complimentary to the intended architectural character.
- D. Exterior finishes shall continue to include smooth stucco finishing with deep pronounced scoring, two varieties of fiber cement horizontal siding with a narrow and wide gauge.
- E. Provide an alternative color scheme for review that incorporates deeper saturation of color rather than muted tones. Provide an alternative color scheme that incorporates a bold color along the center of and entry area of the flats front façade. Final color scheme choices to be approved by the Director of Community Development and may include professional consultation at the expense of the applicant.
- F. Roof material shall be 50-year warranty composition shingle with a dimensional appearance. Building plans shall indicate precise brand and style of shingle. The color of the material is to have a dark grey hue to differentiate the roof from the façade colors.

- G. All final exterior building materials and color scheme are subject to review and approval of the Director of Community Development prior to issuance of a building permit. Provide material samples (including stucco finish) and final color boards for the proposed building finishes prior to issuance of building permits.
- H. Provide a security access plan and internal corridor plan. Include colors and lighting treatments for internal corridors.
- I. Provide a plan demonstrating compliance with the 300 cubic feet of storage per unit standard. The 200 square foot single car garages are credit as half of the required storage space.

6. EXTERIOR EQUIPMENT

- A. Individual air conditioning units shall be screened with architectural or landscaping features. Window air conditioning units shall not be permitted (See COA H9 CCR conditions).

7. FEES

- A. Pay traffic impact fee at the rate in place at time of issuance of building permits, estimated currently at \$12,578.92 for 34 units. Complete payment is required at the time of issuance of the first unit's building permits.
- B. In the event that the Transportation Division's work on design parameters for "sense of place" improvements have not been completed prior to submittal of building permits, a cash in lieu fee will be accepted prior to the issuance of building permits in the amount of \$1,000 per unit. In the event the work has been completed and if the installation is required adjacent to the subject site the work shall be performed by the developer as part of the development at their sole cost. In the event the work is determined to be offsite of the subject site or part of a larger implementation project, cash contribution equal to the cost of the work, not to exceed \$1,000 dollars per unit, shall be required prior to the issuance of buildings permits.

8. FENCES

- A. Design and location of any proposed fencing and/or walls are subject to the review and approval by the Director of Community Development.
- B. Any fences along the pedestrian and bicycle path shall be not to exceed three feet in height.
- C. Wherever there is a grade differential greater than 12 inches, a concrete or masonry retaining wall shall be installed. Such a wall shall not be designed to infringe on the root system of protected trees on adjoining properties. Post and pier perimeter boundary walls may be required to ensure the protection of existing trees on adjacent sites.

9. LANDSCAPING

- A. Prior to the issuance of a building permit, provide a modified landscape plan that includes a spa with hardscaped picnic and gathering area.
 - B. Prior to the issuance of a building permit, Provide a modified landscape plan that includes a defined activity area and improvements for a bocce ball court.
 - C. The site plan shall indicate the location of mailboxes and transportation information display/kiosk. Provide detail on display design with a minimum size of 34 inches wide by 48 inches tall. If two displays used minimum size of 34x26 inches for each display.
 - D. Provide direct stair access to Karlstad Drive from the flats building in addition to the ADA compliant ramped access.
 - E. Landscape and irrigation plans are subject to approval by the Director of Community Development prior to issuance of a Building Permit.
 - F. Landscaping and irrigation shall be installed prior to occupancy.
 - G. Provide a modified usable open space plan demonstrating compliance with the minimum standard of 400 square feet per unit.
-
- H. Provide a parking lot shading plan that complies with the 50% shading in 15 years. Use of structural soil to accommodate tight placement and ensure the vitality of trees may be required during the final landscape plan review by the Director of Community Development.
 - I. Include decorative paving at driveway entries for a minimum of 15 feet.
 - J. Provide separate meter for domestic and irrigation water systems.
 - K. All landscaping shall be installed in accordance with the approved landscape plan and shall thereafter be maintained in a neat, clean, and healthful condition.
 - L. Trees shall be allowed to grow to the full genetic height and habit (trees shall not be topped). Trees shall be maintained using standard arboriculture practices.
 - M. Of new trees installed, 10% shall be 24-inch box size or larger and no tree shall be less than 15-gallon size. This requirement is in addition to tree planting requirements for the removal of protected trees.
 - N. Any "protected trees", (as defined in SMC 19.94) approved for removal, shall be replaced with a specimen tree of at least 36-inch box size. The specimen trees are to be of a large species.
 - O. Ground cover shall be planted so as to ensure full coverage eighteen months after installation.
 - P. All areas not required for parking, driveways or structures shall be landscaped.

10. TREE PRESERVATION

- A. Trees located along the north boundary of the subject site are to be retained as a buffer between developments. Replanting of the trees on site may be reviewed for approval by the Director of Community Development.
 - B. Prior to issuance of a Demolition Permit, a Grading Permit or a Building Permit, whichever occurs first, include the approved tree protection plan in the plan set.
 - C. Trees on adjacent property that extend over the property line are to be included on the tree protection plan. Perimeter wall construction shall take protection of off site tree roots into design consideration.
 - D. The tree protection plan shall be installed prior to issuance of any Building Permits, subject to the on-site inspection and approval by the City Arborist.
 - E. The tree protection plan shall remain in place for the duration of construction.
 - F. Overlay Civil plans including utility lines to ensure that the tree root system is not damaged.
-

11. LIGHTING

- A. Prior to issuance of a Building Permit submit an exterior lighting plan, including fixture and pole designs, for approval by the Director of Community Development. Driveway and parking area lights shall include the following:
 - 1. High pressure Sodium vapor or other illumination with an equivalent energy efficiency shall be included in the common areas.
 - 2. Pole heights to be uniform and compatible the first floor heights of the buildings. Light standards shall be of a pedestrian scale and are not to Bollards may be utilized throughout the site for lighting.
 - 3. Provide photocells for on/off control of all security and area lights.
 - 4. All exterior security lights shall be equipped with vandal resistant covers.
 - 5. Lights shall have shields to prevent glare onto adjacent residential properties and to the internal townhomes
- B. Prior to issuance of a Building Permit submit a contour photometric plan demonstrating that the plan does not cause glare, lighting shall extend beyond property lines, and that the lighting does not over illuminate areas of the site. The plan is subject to approval by the Director of Community Development.

12. PARKING

- A. Compact parking spaces to have a minimum stall depth of 15 feet.
- B. 35% of all unassigned parking spaces shall be designated "guest" parking and shall be spread throughout the site with no more than half of the guest spaces as compact spaces. All guest-parking spaces shall be reserved and designated for the exclusive use of guests and shall be marked. No vehicle owned or operated by a resident shall be parked in a guest space.
- C. No uncovered parking space shall be offered for rent by the property owners or homeowners association.
- D. Garage spaces shall be maintained at all times so as to allow parking of an automobile.
- E. Specify compact parking spaces on the Building Permit plans. All such areas shall be clearly marked prior to occupancy, as approved by the Director of Community Development.
- F. Unenclosed storage of any vehicle intended for recreation purposes, including land conveyances, vessels and aircraft, but excluding attached camper bodies and motor homes not exceeding 18 feet in length, shall be prohibited on the premises.

13. BICYCLE PARKING

- A. Provide a minimum of 3 guest parking spaces of Class II per VTA Bicycle Technical Guidelines as approved by the Director of Community Development. Do not locate spaces within the central landscape area.

14. RECYCLING AND SOLID WASTE

- A. Submit a detailed recycling and solid waste disposal plan to the Director of Community Development for approval.
- B. All exterior recycling and solid waste shall be confined to approved receptacles and enclosures.
- C. The required solid waste and recycling enclosure shall match the design, materials and color of the main building and is subject to review and approval by the Director of Community Development.
- D. The enclosure shall be of masonry construction complimentary to the main building architecture. The design shall include decorative tops to shield view from upper floors of nearby housing units.

15. UNDERGROUND UTILITIES

- A. All existing and proposed utilities shall be undergrounded, including transformers, electrical boxes, etc.

16. TENTATIVE MAP CONDITIONS

- A. Dedicate land along public street frontages to provide for sidewalks in compliance with the Tasman and Fair Oaks Area Pedestrian and Bicycle Circulation Plan.
- B. Provide pedestrian path improvements along the south boundary necessary to serve the site.
- C. Full development fees shall be paid for each project parcel or lot shown on Final Tract Map and the fees shall be calculated in accordance with City Resolutions current at the time of payment.
- D. Comply with all applicable code requirements as noted in the Standard Development Requirements.
- E. All existing utility lines and /or their appurtenances not serving the project and/or have conflicts with the project, shall be capped, abandoned, removed, relocated and/or disposed to the satisfaction of the City.
- F. Individual utility service metering shall be provided to each unit.
- G. Obtain necessary permits from the Department of Public Works for all off-site improvements including utility line extensions, utility connections, meter locations, driveways, sidewalks, etc.
- H. Pay Park In-lieu fees of \$249,925.50 (\$7,350.75/unit) for 34 units, prior to approval of the Final Map. Payment for each phase's final map is permitted.(SMC 18.10)
- I. Dedicate private streets as emergency vehicle ingress-egress easements.
- J. A Private street name will be provided per the City of Sunnyvale Street Name System, as selected by the Community Development Department.
- K. At the expense of the subdivider, City staff shall install required street trees of a species determined by the Public Works Department. Obtain approval of a detailed landscape and irrigation plan from the Director of Community Development (SMC 19.38.070) prior to issuance of a Building Permit.
- L. Construct new sidewalk, curb, and gutter in accordance with requirements of the Transportation and Traffic.
 - a. Street frontage improvements require 10-foot sidewalk along Karlstad and a five foot sidewalk along Kiel Court.
 - c. Luminaries and street trees are to be installed per design standards of the Fair Oaks and Tasman Pedestrian and Bicycle Circulation Plan.

- d. Luminaries shall include an internal louver around the bulb or equivalent feature to direct lighting downwards. This detail shall be indicated on improvement plans.
-